



# PUBLIC NOTICE

**Federal Communications Commission  
445 12th St., S.W.  
Washington, D.C. 20554**

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**DA 09-1781  
Released: August 10, 2009**

## **COMMENTS SOUGHT ON PETITION FOR DECLARATORY RULING OF SECURUS TECHNOLOGIES, INC.**

**WC Docket No. 09-144**

**COMMENTS DUE: August 31, 2009  
REPLY COMMENTS DUE: September 10, 2009**

By this Public Notice we seek comment on a petition filed July 24, 2009, by Securus Technologies, Inc. (Securus) requesting that the Commission issue a declaratory ruling that “call diversion schemes are a form of dial-around calling which Securus is permitted to block” under existing Commission precedent.<sup>1</sup> Securus is a holding company that owns the assets of several companies that provide inmate telecommunications services.<sup>2</sup> According to Securus, “call diversion schemes re-route inmate-initiated calls to unknown terminating telephone numbers.”<sup>3</sup> Securus argues that “[c]all diversion schemes encourage calling parties to defraud the correctional facility and the serving telephone providers” and are comparable to dial-around calling, which is prohibited for inmate calls.<sup>4</sup> Securus, therefore, asks that the Commission affirm that Securus may “block attempts to place calls via known call diversion schemes.”<sup>5</sup>

Interested parties may file comments on the Securus Petition on or before **August 31, 2009** and reply comments on or before **September 10, 2009**. Filings in this proceeding should be captioned “Securus Technologies, Inc. Petition for Declaratory Ruling” and filed in WC Docket No. 09-144.

All filings must be addressed to the Commission’s Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Suite TW-A325, Washington, DC 20554. Two courtesy copies must be delivered to Lynne Hewitt Engledow, Federal Communications Commission, Wireline Competition Bureau, Pricing Policy Division, 445 12th Street, SW, Room 5-A361, Washington, DC 20554 or via e-mail at [lynne.engledow@fcc.gov](mailto:lynne.engledow@fcc.gov). One copy must also be sent to Best

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<sup>1</sup> See Petition for Declaratory Ruling of Securus Technologies, Inc. WC Docket No. 09-144, at 1 (filed July 24, 2009).

<sup>2</sup> *Id.* at 1.

<sup>3</sup> *Id.* at 6.

<sup>4</sup> *Id.* at 15.

<sup>5</sup> *Id.* at 18.

Copy and Printing, Inc., Portals II, 445 12th Street SW, Suite CY-B402, Washington, DC 20554, telephone 202-488-5300, facsimile 202-488-5563, or via e-mail at [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com).

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/>. Filers should follow the instructions provided on the website for submitting comments.
  - For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov) and include the following words in the body of the message: get form <your email address>. A sample form and directions will be sent in response.
- **Paper Filers:** Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.  
**Parties are strongly encouraged to file comments electronically using the Commission's ECFS.**

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission.

- The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12<sup>th</sup> Street, SW, Washington, DC 20554.

**People with Disabilities:** To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-488-5300, facsimile 202-488-5563, or via e-mail at [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com).

This Public Notice establishes certain procedural requirements relating to consideration of the petition for preemption. This matter shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.<sup>6</sup> Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one- or two-sentence description of the views and arguments presented generally is required.<sup>7</sup> Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission’s rules.<sup>8</sup>

For further information, contact Lynne Hewitt Engledow of the Pricing Policy Division, Wireline Competition Bureau at (202) 418-1520, or via e-mail at [lynne.engledow@fcc.gov](mailto:lynne.engledow@fcc.gov).

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<sup>6</sup> See 47 C.F.R. §§ 1.1200, 1.1206.

<sup>7</sup> See 47 C.F.R. § 1.1206(b).

<sup>8</sup> See *id.*